

REGULAR MEETING

January 12, 2009

The Regular Meeting of the Annapolis City Council was held on January 12, 2009 in the Council Chamber. Mayor Moyer called the meeting to order at 7:34 p.m.

Present on Roll Call: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Stankivic, Shropshire, Arnett

Staff Present: Acting City Attorney Kling, Department of Neighborhood and Environmental Programs Director Mallinoff, Fire Chief Smith, Fire Fighter 1st Class Spriggs, Fire Lieutenant Aaron

Presentation

Fire Chief Smith gave a presentation on the training of the award winning dogs used to detect explosive parcels. Fire Lieutenant Aaron explained the steps used to locate the explosive parcel while Fire Fighter 1st Class Spriggs and Officer Benny the dog demonstrated how the explosive parcel is located and how the dog will be rewarded when the explosive parcel is found.

- Alderman Arnett moved to approve the Journal of Proceedings for December 8, 2008 Regular Meeting, December 22, 2008 Special Meeting and December 18, 2008 Special Meeting. Seconded CARRIED on voice vote.
- Alderman Israel moved to amend the minutes for December 18, 2008 Special Meeting to include the following:

Amendment #1

Mr. Gary Elson wrote a memorandum in which he questioned whether the Special Meeting of December 18, 2008 was called in accordance with applicable provisions of Charter. See Art. IV, Sec. 4(b): Mayor may call a special meetings of council; (d) upon written request of five members of the council, mayor shall convene the council.

Amendment #2

Strike line “No action taken” and substitute:

“Mr. Kling reported that he had filed the proper paper work concerning his pro bono work and that he expected to be reinstated as a member in good standing of the Bar by the Court of Appeals. The Mayor reported that she had asked the Attorney General’s Office to review representation of the city during the time that Mr. Kling was not a member in good standing of the Bar to determine if there was any doubt as to the validity of actions undertaken on behalf of the city by Mr. Kling.” Seconded. CARRIED on voice vote.

Statement from Mayor

The City entered into settlement of the Moreland Parkway litigation. The basic settlement terms state the City takes title to Moreland Parkway and certain related rights of way or easements, and the City of Annapolis will be paid \$60,000.00.

The settlement was approved by the Circuit Court on January 6, 2009 and closing will be held within 30 days of that date.

PETITIONS, REPORTS AND COMMUNICATIONS

Doug Smith 5 Revell Street, Annapolis, Maryland 21401 representing Ward One Residents Association spoke on expanding the discussion of a City Manager

Jessica Pachler, 506 President Street, Annapolis, Maryland 21403 spoke on O-30-08

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401 spoke in favor of R-02-09, and spoke on citizen representing community organizations, O-35-08 and O-36-08

Bill Kardash, 1 Acton Place, Annapolis, Maryland 21401 representing Annapolitans for Better Community spoke in favor of CA-05-08, and spoke on the creation of a referendum

David Prosten, 165 Conduit Street, Annapolis, Maryland 21401 representing Sierra Club of Anne Arundel County spoke on O-38-08

Tim Dowling, 1687 Baltimore Annapolis Blvd, Arnold, Maryland 21012 representing City Dock Productions spoke on O-35-08 and O-36-08

Matthew Long, 510 Third Street, Annapolis, Maryland 21403 spoke in opposition to O-30-08

- Alderman Arnett move to amend the agenda to include R-03-09 on first reading. Seconded. CARRIED on voice vote.

CHARTER AMENDMENT

CA-01-09 For the purpose of deleting a reference to a previously repealed section of the Annapolis City Charter.

- Alderman Arnett moved to adopt CA-01-09 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee

O-02-09 For the purpose of correcting a reference in the City's Election Code; and, providing a definition and date for "primary election" in the City's Election Code.

- Alderman Arnett moved to adopt O-02-09 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

CA-02-09 For the purpose of limiting the number of terms an alderman/alderwoman may serve on the City Council of the City of Annapolis.

- Alderman Stankivic moved to adopt CA-02-09 on first reading. Seconded. DEFEATED on voice vote.

A ROLL CALL vote was taken:

YEAS: Aldermen Israel, Paone, Stankivic, Arnett

NAYS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Cordle, Shropshire

DEFEATED: 4/5

ORDINANCES

O-27-08 For the purposes of making a correction that was inadvertently not made when the Zoning Code (Title 21) was recodified in 2004.

- Alderman Arnett moved to adopt O-27-08 on second reading. Seconded.

The Rules and City Government Committee and Planning Commission reported favorable with amendments on O-27-08.

- Alderman Israel moved to amend O-27-08 as follows:

Amendment #1

On page 4, at line 17, after “district”, insert “; properties on Shipwright Street may be expanded for residential use if the expansion otherwise meets the requirements of the C1 Conservation Residence district” Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-27-08 amended on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Stankivic, Shropshire, Arnett

NAYS:

CARRIED: 9/0

O-28-08 For the purposes of: (1) Clearly assigning the responsibility for the posting of notices on property that is the subject of an application with the applicant, unless the applicant is not the property owner, in which case the responsibility is assigned to the property owner; (2) Ensuring that applicants (especially in the case of administrative appeals) who are not the owners of the property that is the subject of an application and is required to be posted, are not required to trespass onto the property of others, and are not prejudiced when property owners refuse to post notice.

- Alderwoman Hoyle moved to adopt O-28-08 on second reading. Seconded.

The Rules and City Government Committee and Planning Commission reported favorably on O-28-08.

The main motion CARRIED on voice vote.

- Alderman Shropshire moved to adopt O-28-08 on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Stankivic, Shropshire, Arnett

NAYS:

CARRIED: 9/0

O-30-08 For the purpose of clarifying the duties of the Department of Neighborhood and Environmental Programs and the Public Works Administration throughout Title 17 of the Code of the City Annapolis; and all other matters concerning inspections, permits, and public works.

- Alderman Arnett moved to adopt O-30-08 on second reading. Seconded.

Department of Neighborhood and Environmental Programs Director Mallinoff was present and answered questions from Council.

The Economic Matter and Environmental Matters Committees reported favorable with amendments on O-30-08.

- Alderman Arnett moved to amend O-30-08 as follows:

Amendment# 1

On page 9, at line 44, strike sentence beginning with “value,” and substitute: “substantial quantity of new construction located within a dwelling unit exceeds 50% of the quantity of existing structure. All quantities of construction shall be measured in terms of floor area square footage within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing, and sanitation purposes.” Seconded. CARRIED on voice vote.

- Alderman Stankivic moved amendments 1 thru 5 to O-30-08:

Amendment # 1

On page 2, line 24, strike “architect.”

Amendment # 2

On page 7, line 11, add “E. Public Works is responsible for maintenance, repair, and retrofit of stormwater facilities that lie in the public right of way and these funds shall be used to this effect.”

Amendment # 3

On page 7, line 40, strike “eight” and replace with “nine.”

Amendment # 4

On page 8, line 8, strike “Wetlands Division and Maryland Department of Natural Resources, Waterway Permits.”

Amendment # 5

On page 8, line 9, strike “Division” and insert “and the Maryland Department of the Environment” prior to “have been obtained.” Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Stankivic moved to adopt O-30-08 amended on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Stankivic, Shropshire, Arnett

NAYS:

CARRIED: 9/0

O-35-08 For the purpose of authorizing a lease of certain municipal property located in the general harbor, Dock Street and Edgewood Road areas to United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc., bodies corporate, for a certain period of time in October 2013 and October 2014, subject to certain terms, provisions and conditions, for the purpose of conducting boat shows; and all matters relating to said lease.

- Alderman Arnett moved to postpone O-35-08 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Aldermen Israel, Stankivic, Arnett
NAYS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Paone,
Cordle, Shropshire
DEFEATED: 3/6

- Alderwoman Finlayson moved to adopt O-35-08 on second reading. Seconded.
- Alderman Arnett moved to amend O-35-08 as follows:

On page 1, in line 30, strike “is considered satisfactory” and insert “has been proposed to the City Council”.

On page 2, in line 2, after “that” strike “the proposed lease between the City of Annapolis and” and insert “the City of Annapolis has selected the”.

On page 2, in lines 5, 6, and 7, insert “proposed” before each reference to “lease”.

On page 2, in line 8 after “lease” strike “is hereby approved and Mayor is authorized to execute the lease on behalf of the City of Annapolis.” and insert “The City Council hereby authorizes the City Attorney to continue negotiations until an acceptable lease agreement is reached and finalized at which time such lease agreement be presented to the City Council for approval.” Seconded. DEFEATED on voice vote.

The Economic Matters Committee reported favorably on O-35-08.

The main motion CARRIED on voice vote.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Paone,
Cordle, Shropshire
NAYS: Aldermen Israel, Stankivic, Arnett
CARRIED: 6/3

- Alderwoman Hoyle moved to adopt O-35-08 on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Paone,
Cordle, Shropshire
NAYS: Aldermen Israel, Stankivic, Arnett
CARRIED: 6/3

O-36-08 For the purpose of authorizing a lease of certain municipal property located in the general harbor, Dock Street and Edgewood Road areas to City Dock Productions, LLC, for a certain period of time in October for the calendar year of 2013 subject to certain terms, provisions and conditions, for the purpose of conducting boat shows; and all matters relating to said lease.

- Alderman Arnett moved to adopt O-36-08 on second reading. Seconded. DEFEATED on voice vote.

O-38-08 For the purpose of updating the City of Annapolis’ recycling code so as to reflect changes in recycling practices; establishing and permitting commercial recycling in the City of Annapolis; and all other matters concerning residential and commercial recycling.

- Alderwoman Hoyle moved to adopt O-38-08 on second reading.

Seconded.

The Housing and Human Welfare Committee reported favorable with amendments on O-38-08.

- Alderman Stankivic moved to amend O-38-08 as follows:

Amendment # 1

Page 5, line 3, strike “yard.”

Amendment # 2

Page 5, strike lines 5 and 6.

Amendment # 3

Page 6, strike lines 10 and 11, beginning with “The.” Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Stankivic moved to adopt O-38-08 amended on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Stankivic, Shropshire, Arnett

NAYS:

CARRIED: 9/0

O-01-09 For the purpose of requiring retailers to notify customers if a product’s container contains bisphenol-A (BPA) through the use of certain signage; and, assigning the responsibility for implementing and enforcing this ordinance to the Director of Neighborhood and Environmental Programs.

- Alderman Arnett moved to adopt O-01-09 on first reading. Seconded. CARRIED on voice vote.

Referred to the Economic Matters Committee.

RESOLUTIONS

R-49-08 For the purpose of approving the new job description for the Hispanic Community Liaison position.

- Alderman Shropshire moved to adopt R-49-08 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Shropshire, Arnett

NAYS: Aldermen Stankivic

CARRIED: 8/1

R-50-08 For the purpose of approving the new job description for the External Affairs Officer position.

- Alderman Shropshire moved to adopt R-50-08 on second reading.

Seconded.

- Alderwoman Hoyle moved to amend R-50-08 as follows:

Recommend grade level of A-13

Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone,
Cordle, Stankivic, Shropshire, Arnett

NAYS:

CARRIED: 9/0

R-60-08 For the purpose of the City of Annapolis waiving building and grading permit fees, water/sewer connection fees and charges and capital facility charges for the development of the Light House Homeless Prevention Support Center on Hudson Street in Annapolis, Maryland, and matter generally relating to said waiving of fees.

Joe Gill, 154 Boone Trail, Severna Park, Maryland 21146 testified on behalf of the Light House Shelter

- Alderman Stankivic moved to include R-60-08 on second reading to Regular Meeting Agenda for February 9, 2009. Seconded. CARRIED on voice vote.

Referred to Finance Committee and Environmental Matters Committee

R-02-09 For the purpose of honoring the late Barbara Neustadt, the first woman to be elected to the City Council; naming the park at the end of Monticello Avenue “Barbara Neustadt Park”; and, directing that a suitable plaque be installed on the site at public expense.

- Alderman Arnett moved to adopt R-02-09 on first reading. Seconded. CARRIED on voice vote.

There being no voiced objection, the rules were suspended to allow passage of the resolution at the meeting of its introduction.

- Alderman Arnett moved to adopt R-02-09 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone,
Cordle, Shropshire, Arnett

NAYS:

ABSTAIN: Alderman Stankivic

CARRIED: 8/0/1

R-04-09 For the purpose of approving the new job description for the Environmental Compliance Inspector position.

- Alderman Arnett moved to adopt R-04-09 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee

R-05-09 For the purpose of approving the redevelopment of Obery Court public housing in Annapolis, Maryland to be financed either directly by the Department of Housing and Community Development (the

**"Department") of the State of Maryland or through the Department's
Community Development Administration (the "Administration").**

- Alderwoman Hoyle moved to adopt R-05-09 on first reading. Seconded.
CARRIED on voice vote.

Executive Director, Eric C. Brown, 1217 Madison Street, Annapolis, Maryland
21401 representing the Housing Authority of the City of Annapolis was present
and answered questions from Council.

- Mayor Moyer moved to have R-05-09 on the Special Meeting Agenda for
January 26, 2009 for a public hearing with legislative action. Seconded.
CARRIED on voice vote.

The order of the agenda was amended to allow for R-03-09

**R-03-09 For the purpose of requiring the City of Annapolis' Central Services
and Economic Affairs Departments, Finance Director, and the Office
of Law to develop a process to assess the financial viability of all
proposed leases of City property and issue a joint report to the City
Council.**

- Alderman Stankivic moved to adopt R-03-09 on first reading. Seconded.
CARRIED on voice vote.

The order of the agenda was resumed.

BUSINESS AND MISCELLANEOUS

1. Appointments

- Alderwoman Hoyle moved the approval the Mayor's appointment of the
following individuals:

1/12/09 Housing Authority Commission.....Tracy Yvonne Orie

Seconded. CARRIED on voice vote.

2. Civil Service Board Minutes

- Alderman Paone moved to accept the Civil Service Board Minutes dated
December 15, 2008. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:26 p.m.

Regina C. Watkins-Eldridge, CMC
City Clerk

Note: CA-01-08 failed by operation of law.